

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LATERRYL SADDLER and,
SADDLER RESIDENTIAL CARE
FACILITY, INC.

Plaintiffs,

v.

PNC BANK, N.A.,

Defendant.

Case No. 4:18-cv-000192 RWS

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' /COUNTERCLAIM DEFENDANTS'
MOTION FOR LEAVE TO FILE THIRD AMENDED ANSWER**

COMES NOW Plaintiffs/Counterclaim Defendants by undersigned counsel and for it Memorandum states:

1. Upon learning of Defendant's Motion for Default Counsel for Plaintiffs immediately reviewed Plaintiffs' Answer and realized its defects and has cured those defects and omissions which were due to his failure to proofread his secretary's work before filing after he had provided her with the draft for the correct answer.

2. Counsel's secretary is elderly and at times is preoccupied or distracted with physical ailments that affect her work. An obvious mistake was made not to clearly denominate both defendants in the body of the answer.

3. Nevertheless, a review of the Answer denominated "Second Amended" makes reference to "Counterclaim defendants", hence both Plaintiffs. Therefore, the intent was there, but not artfully handled.

4. This matter is now scheduled for Alternative Dispute Resolution and no prejudice has inured to any party.

5. The undersigned assures the Court that the Motion for Leave is made in good faith and is not intended to unreasonably delay this matter, inconvenience the Court, or prejudice Defendant.

WHEREFORE, Plaintiffs respectfully request the Court to grant leave to file its amended answer.

Respectfully submitted:

/s/Charles E. Kirksey

CHARLES E. KIRKSEY, JR. #24792
ATTORNEY FOR PLAINTIFFS
7382 Pershing Ave., 1 West
University City, MO 63130
(314)863-5001 Fax 863-5007
charlesekkirksey@cs.com

CERTIFICATE OF SERVICE: A copy of the foregoing pleading was e-filed with the Court's electronic filing system this 13th day of July, 2018 for service upon counsel of record. By: /s/C. Kirksey